

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

SUB DEC 28 PM 2:04
U.S. DISTRICT COURT
N.D. OF ALABAMA

ALFONZO WARD,)
Petitioner,)
v.) CIVIL ACTION NO. 98-C-1941-E
WARDEN MOSLEY and THE)
ATTORNEY GENERAL FOR)
THE STATE OF ALABAMA,)
Respondents.)

ENTERED

DEC 28 1998 ad

MEMORANDUM OF OPINION

On December 3, 1998, the magistrate judge entered a report and recommendation that this matter be dismissed with prejudice as being barred by the applicable statute of limitations. See 28 U.S.C. § 2244(d). The petitioner immediately filed a pleading in response to the report and recommendation captioned "Writ of Mandamus Pursuant to Rule 21 of the Federal Rules of Appellate Procedure." (Doct. 13). The court deems the pleading to be the petitioner's objections to the report and recommendation.

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and

conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed with prejudice. An appropriate order will be entered.

DONE, this 28th day of December, 1998.



U. W. CLEMON
UNITED STATES DISTRICT JUDGE